From: bopbone@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:37am
Subject: Microsoft Settlement

To Whom It May Concern:

I am against the proposed settlement. The Proposed
Final Judgement is not in the public interest.
Simplistic restrictions that fail to perceive or deal
with the infrastructural nature of Microsoft's
products are ineffective.

We are in a situation where Microsoft's products are a
monopoly because the products have become a national
infrastructure. The ubiquitous nature of the Microsoft
operating system makes its use similar to the
requirements to drive on roads or speak on a telephone
in order to engage in effective commerce. Obviously
roads are good; a common language is good. However,
abusive monopolistic control of roads or control of
language is bad.

Think back to the days when our country built paved
roads. If one company had dominated that process,
owned all the roads and controlled access to them,
controlled the business allowed to operate next to
them, that situation would be comparable to the
software world with Microsoft today. That road-owning
company would have controlled which gas stations were
allowed, what they were allowed to charge for gas,
etc. The road company could license roadside lots only
to stores that sold products approved by the road
company.

Microsoft has built a railroad or a toll road system.
It is ubiquitous and they control the access. Because
of the monopoly nature of Microsoft's products, people
cannot engage in effective commerce without using the
"roads" Microsoft has built.

A piecemeal approach does not correct the problem. Any
approach that focuses on one product or practice is
comparable to focusing on the national road company at
one intersection. Perhaps you force a reduction in
tolls along one stretch of highway. The road company
raises tolls elsewhere. You force the road company to
allow stores nationwide to sell coffee. The road
company starts giving away coffee with each toll paid.

The judge didn't think of forbidding the road company from giving away coffee and, if she had, the road company would've done something slightly different but equally effective. As long as the road company is not restricted to roads, there are too many options, too many ways to attack and respond, for overly-specific restrictions to be effective.

The problem is that the road company does not focus solely on roads. In real life, the building of roads is considered important enough that, although companies are paid to build them, no company owns them. With only a small percentage of exceptions, the people, represented by their governments, own the roads.

Consider another example that is appropriate here only because Microsoft is in a monopoly situation. Most people in this country use English to communicate. They depend upon the language. They invent new words or use words in new contexts as needs arise. However free they are to invent new words or use other languages, they must rely on using basic English when engaging in commerce.

Because of its monopoly, Microsoft's operating system software is comparable to the English language in this context. To the extent that people use computers to communicate, whether via email to their mother or via inventory software to communicate how many widgets are in stock to their purchasing department, that usage is similar to using English to communicate the same information via telephone or in person. They rely on the constructs built from language - human or machine - to communicate.

Imagine if one company owned the English language and could place enormous restrictions upon its use. The thought seems ridiculous but the similarities are strong.

Railroads, roads and English comprise an infrastructure whose use is, by virtue of a monopoly, a requirement for commerce in the USA. Microsoft's monopoly software comprises a national infrastructure, one that is written in computer languages and is used by people to communicate.

Simplistic restrictions that fail to perceive or deal

with the infrastructural nature of Microsoft's
products are ineffective. Road companies shouldn't
control every roadside business. No company should
have any control over language used for commerce.
Microsoft should not be able to place restrictions on
the use of their products.

Specifically: Microsoft's Windows Media Encoder 7.1
SDK EULA prohibits distribution with Open Source
software; yet it is Open Source software that offers
the best alternatives to Microsoft Software. The DOJ
proposal does nothing to correct this. In all
instances, Open Source and any other product offering
an alternative to Microsoft's software must be allowed
to interoperate with Microsoft's. People must be
allowed to mix and match Microsoft's software with
other software in any and all fasions, unrestrained by
Microsoft's ideas about what is appropriate. Period,
for all products in all situations, until a period of
time after the monopoly has ended.

The proposed settlement fails to require advance
notice of technical requirements. API documentation is
released too late to help ISV's. Many important API's
would remain undocumented. Unreasonable restrictions
are placed on the released documentation. File formats
remain undocumented. Patents covering the Windows API
remain undisclosed. Innovative competition undoubtedly
will come from smaller companies and yet smaller OEM's
aren't given the same protections as the top 20 OEM's.
 Microsoft discriminates against ISV's who target
Windows-compatible operating systems. Microsoft uses
license terms which prohibit the use of their products
with Windows-compatible operating systems. Microsoft
created intentional incompatibilities in Windows 3.1
to discourage the use of non-Microsoft operating
systems.

The Proposal Final Judgement is not in the public
interest.

Sincerely,

Jeff Caldwell
348 W. Crestview Avenue
Boalsburg, PA 16827

Do You Yahoo!?

Send FREE video emails in Yahoo! Mail!
http://promo.yahoo.com/videomail/